



COUNTY OF LOS ANGELES  
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FROM: RAYMOND G. FORTNER, JR.  
Chief Deputy County Counsel

RE: **Litigation Concerning Marriage Licenses to Same-Sex Couples**

**Robin Tyler, et al. v. The County of Los Angeles**  
**Judicial Council Coordination Proceeding No. 4365**

This is to advise that the California Supreme Court has issued its opinion in *Bill Lockyer v. City and County of San Francisco/Lewis v. Alfaro* regarding the issuance of marriage licenses to same-sex couples in San Francisco. The narrow issue in these cases was whether the local San Francisco officials charged with enforcing the marriage license statutes had the authority to disregard them in the absence of a judicial determination that the statutes are unconstitutional.

The Supreme Court ruled that these officials exceeded their authority by issuing marriage licenses to same-sex couples in violation of the applicable statutes without such a judicial determination.

The Court further indicated that it will issue a writ of mandate directing the San Francisco officials to enforce the marriage license statutes unless and until they are determined to be unconstitutional by the courts, that the existing marriage licenses issued to same-sex couples by said officials are null and void, and that appropriate corrections should be made to the official records to reflect this decision.

This decision will not effect the current practices of the Registrar-Recorder/County Clerk which, in compliance with the State marriage laws, limits issuance of marriage licenses to couples of opposite sex. Today's decision specifically did not address the constitutionality of California's marriage laws defining marriage as between a man and a woman. Litigation on the constitutionality continues in the early stages in the Judicial Council Coordinated Proceedings cases in the San Francisco Superior Court, of which the County is a party.

If you have questions concerning this matter or would like a copy of the Court's opinions (in excess of 90 pages), please contact me, Chief Deputy County Counsel Donovan M. Main at (213) 974-1829, Senior Deputy County Counsel Derrick M. Au at (213) 974-1831 or Senior Deputy County Counsel Judy Whitehurst at (213) 974-8948.

RGF:JWW:ds

c: David E. Janssen  
Chief Administrative Officer

Violet Varona-Lukens, Executive Officer  
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